

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Robert Keith Abel,	:	Case No. 1:02CV1752
	:	
Plaintiff	:	Judge Donald C. Nugent
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Van A. Harp, et al.,	:	MEMORANDUM OPINION
	:	AND ORDER
Defendants	:	

On January 5, 2009 this Court received a fax transmission from the plaintiff¹ containing a “Submission of Proposed Orders to Magistrate Judge’s Chambers EXPARTE and Status Update Regarding Redesignation & Transfer Within BOP,” along with copies of four Orders the plaintiff wished this Court to enter. In the “Submission” plaintiff stated:

First, I’ve enclosed in this parcel copies of the proposed ORDERS which are also appended to the motions in support thereof filed in the record in the case. I figured these proposed ORDERS would reach your Chambers faster this way as opposed to being routed through the Clerk’s Office. With the exception of, I believe, two of them, either you and I or, you, I, and counsel for the Defendants (AUSA Midian & Buck) agreed the same would be appropriate under the circumstances.

The problem is that this Court has not found any hard copies of “motions in support thereof filed in the record in the case,” nor does the docket reflect the receipt by the Clerk of any such motions. Absent any motions of record it would be improper for this Court to enter any of the orders

¹ Although the fax was sent in the late morning of December 31, 2008 it did not come to this Court’s attention until the following Monday by reason of the long holiday weekend.

proposed by the plaintiff. In addition, when this Court made defendants' counsel aware of the transmission this Court was advised that it was probable that at least some of that which the plaintiff is seeking would be opposed by a formal opposition to a motion in support of the proposed order.

This being so, this Court will take no action with regard to plaintiff's submission as it now stands. If the plaintiff properly files motions in support of the proposed orders this Court will require the defendants' counsel to tender expedited responses, and will promptly enter rulings thereon.

IT IS SO ORDERED.

s/DAVID S. PERELMAN
United States Magistrate Judge

DATE: January 14, 2009